

FILED IN CHAMBERS

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

SEP 25 2012
U.S. MAGISTRATE JUDGE
N.D. GEORGIA

UNITED STATES OF AMERICA :
 :
v. : CRIMINAL INDICTMENT
 :
 : NO. 1 :12 - CR - 328
FIDEL SOLIS-NUNEZ; :
BONAFACIO CRUZ, :
a/k/a Gabriel Brisno; and:
RUFFINO TORRES-PINEDA, :
a/k/a Nino. :

THE GRAND JURY CHARGES THAT:

COUNT ONE
21 U.S.C. § 846
(Drug Conspiracy)

Beginning on a date unknown to the Grand Jury, but at least from on or about May 1, 2012 to on or about June 14, 2012, in the Northern District of Georgia and elsewhere, the defendants:

Fidel Solis-NUNEZ;
Bonafacio CRUZ, a/k/a Gabriel Brisno; and
Ruffino Torres-PINEDA, a/k/a Nino;

knowingly conspired, agreed, and had a tacit understanding with others known and unknown to the Grand Jury, including each other, to violate Title 21, United States Code, Section 841(a)(1); that is -- to distribute and possess with the intent to distribute a controlled substance, said conspiracy involving a mixture and substance containing a detectable amount of at least 500 grams of a mixture containing a detectable amount of methamphetamine, a Schedule II controlled substance; in

violation of Title 21, United States Code, Sections 841(a)(1), 841 (b)(1)(A)(viii) and 846.

COUNT TWO
21 U.S.C. § 841
(Possession with Intent to Distribute)

On or about June 14, 2012, in the Northern District of Georgia and elsewhere, the defendants:

Fidel Solis-NUNEZ;
Bonafacio CRUZ, a/k/a Gabriel Brisno; and
Ruffino Torres-PINEDA, a/k/a Nino;

aided and abetted by others, known and unknown to the Grand Jury, did knowingly and intentionally possess, with the intent to distribute a controlled substance, that is -- a mixture and substance containing at least 500 grams of a detectable amount of methamphetamine; a Schedule II controlled substance in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A)(viii), and Title 18 United States Code, Section 2.

FORFEITURE PROVISION

Upon conviction of one or more of the offenses alleged in Counts One and Two of this Indictment, the defendants:

Fidel Solis-NUNEZ;
Bonafacio CRUZ, a/k/a Gabriel Brisno; and
Ruffino Torres-PINEDA, a/k/a Nino;

shall forfeit to the United States pursuant to Title 21, United States Code, Section 853 any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of

said violations and any property used, or intended to be used, in any manner or part to commit, or to facilitate the commission of said violations, including but not limited to:

- (a) MONEY JUDGMENT: A sum of money in United States currency representing the amount of proceeds obtained as a result of each offense, or conspiracy to commit such offense, for which the defendant is convicted;
- (b) \$2,009.00 in United States currency seized on or about June 14, 2012;
- (c) \$2,001.00 in United States currency seized on or about June 14, 2012;
- (d) one 2011 Honda Accord, VIN 1HGCP2F38BA055719;
- (e) one Taurus PT-111 Millennium Pro 9mm pistol, S/N TWI08105; and
- (d) one Colt Special Combat Gover .38 caliber pistol, S/N ELCEN2484.

If any of the above-described forfeitable property, as a result of any act or omission or the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or

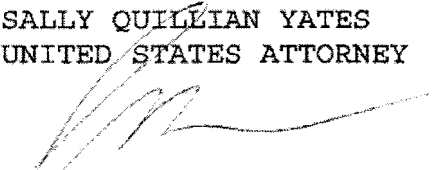
(e) has been commingled with other property which cannot
be divided without difficulty;

the United States intends, pursuant to Title 21, United States
Code, Section 853(p), as incorporated by Title 28, United States
Code, Section 2461(c), to seek forfeiture of any other property
of said defendant up to the value of the forfeitable property.

A Five BILL

Robert F. Brown
FOREPERSON

SALLY QUILLIAN YATES
UNITED STATES ATTORNEY


CASSANDRA J. SCHANSMAN
Assistant United States Attorney
Georgia Bar No. 183184

600 U.S. Courthouse
75 Spring Street, SW
Atlanta, GA 30303
404.581.6000
404.581.6181 fax